

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

FLOYD, BENJAMIN ADAM,  
\_\_\_\_\_  
Debtor,

Case No. 23-10158 SAH  
Chapter 7

**MOTION TO WAIVE DISCHARGE, WITH NOTICE  
OF OPPORTUNITY FOR HEARING, AND BRIEF IN SUPPORT**

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**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected.** You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to sustain the objection, or you wish to have your views considered, you must file a written response to the objection with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the objection. You should also serve a file stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate of service with the court. If no response is timely filed, the court may sustain the objection and strike the scheduled hearing without further notice.

**The 14 day period includes the three (3) days allowed for mailing provided for in  
Bankruptcy Rule 9006(f).**

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Plaintiff, Ilene J. Lashinsky, United States Trustee (“UST”), by and through her attorney, Jeffrey E. Tate, respectfully moves this Court for an order approving the waiver of discharge of the Debtor, Benjamin Adam Floyd (“Floyd”), pursuant to 11 U.S.C. § 727(a)(10). In support of this Motion, the UST states:

**A. Facts.**

1. Floyd voluntarily executed an individual waiver of discharge (the “Waiver”) attached hereto as Exhibit “A”.

2. Floyd and the UST have additionally stipulated as to the waiver of Floyd's discharge. Said Stipulation was filed of record in this case on August 30, 2023 [Doc. 55].

3. The Waiver is on behalf of and for the benefit of any and all creditors of this bankruptcy estate.

4. Counsel for Floyd, Gary D. Hammond, agrees to the filing of this Motion and the entry of an order approving Floyd's waiver of discharge.

**B. Requested Relief.**

WHEREFORE, based upon the foregoing, the UST respectfully requests this Court to enter an order approving Floyd's waiver of discharge under 11 U.S.C. § 727(a)(10); and for such other and further relief as this Court deems just, equitable and proper.

Respectfully submitted,

ILENE J. LASHINSKY  
UNITED STATES TRUSTEE

s/ Jeffrey E. Tate  
Marjorie J. Creasey, OBA #17819  
Jeffrey E. Tate, OBA #17150  
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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

This is to certify that on August 30, 2023, the above and foregoing motion was mailed, postage prepaid, as set forth on the mailing matrix attached to the original motion electronically filed with the court.

s/ Jeffrey E. Tate  
Jeffrey E. Tate, OBA #17150